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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

15 FACEBOOK, INC.,

16 Plaintiff,

17 v.

18 POWER VENTURES, INC., a Cayman Island  
19 corporation and d/b/a POWER.COM, a  
20 California corporation; STEVE VACHANI, an  
21 individual; DOE 1, d/b/a POWER.COM,  
22 DOES 2-25, inclusive,

23 Defendants.

Case No. 5:08-CV-05780 LHK

**DECLARATION OF AMY SOMMER  
ANDERSON IN SUPPORT OF  
DEFENDANTS' EX PARTE  
APPLICATION TO CONTINUE CASE  
MANAGEMENT CONFERENCE**

Date: January 11, 2017

Time: 2:00 P.M.

Judge: Hon. Lucy H. Koh

Courtroom: 8, 4th Floor

24 I, Amy Sommer Anderson, hereby declare:

25 1. I am an attorney with the law firm AROPLEX LAW and represent Defendant  
26 POWER VENTURES, INC. in this action. I make this declaration in support of DEFENDANTS'  
27 EX PARTE APPLICATION TO CONTINUE CASE MANAGEMENT CONFERENCE.

28 2. Defendants seek to continue the currently scheduled CMC for two weeks until  
January 25, 2017 to allow Defendants time to get up to speed on the current status of the various  
matters in this action following the Ninth Circuit's Mandate on December 19, 2016 and to ensure

1 availability of the defendants at the CMC given recent and ongoing personal considerations of  
2 both Steven Vachani and myself as counsel for Power Ventures, Inc. Mr. Vachani has been in the  
3 hospital with his wife since late December, where he and his wife welcomed their new daughter  
4 prematurely and are unfortunately still working through related complications. I personally have  
5 recently suffered a loss in my family, which brought an unanticipated and reasonable period of  
6 grieving and care for my own resulting health complications over the past few weeks. As such, in  
7 addition to the aforementioned reasons, both Mr. Vachani and I require a continuance of the  
8 scheduled CMC to recover from their unplanned and unavoidable absences to review and prepare  
9 the defendants' case at this stage of litigation in light of the mixed judgment of the Ninth Circuit  
10 reversing in part and affirming in part the previous judgment against the defendants.  
11

12  
13 3. I contacted opposing counsel, Mr. Monte Cooper, on January 4, 2017, and he  
14 stated unequivocally that Plaintiff FACEBOOK, INC. will not object to this request.

15 4. There is no harm in changing the time of the scheduled CMC as requested, no  
16 prejudiced is posed to the parties, and such change would have no effect on the schedule for this  
17 case since (1) the sole opposing party has agreed to the continuance, and (2) no other events are  
18 scheduled in this matter.

19  
20 5. I declare under penalty of perjury under the laws of the United States and the State  
21 of California that he foregoing is true and correct. This document is executed at San Francisco,  
22 CA.

23 Dated: January 6, 2017

By: /s/ Amy Sommer Anderson  
AMY SOMMER ANDERSON  
AROPLEX LAW  
156 2nd Street  
San Francisco, CA 94105

**CERTIFICATE OF SERVICE**

I am a citizen of the United States and a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is Aroplex Legal Services and the Law Practice of Amy Sommer Anderson, 156 2<sup>nd</sup> Street, San Francisco, CA 94105.

On January 9, 2017, I served the attached document by the method indicated below:

**X ECF System:** By filing the document(s) listed above on the Court's Electronic Case Filing System, I am informed and believe that the documents will be electronically served on all individuals registered with such system. To my knowledge, every individual to whom notice is required is registered with this system and, thus, has been served with due notice by action of this electronic filing.

I declare under penalty of perjury under the laws of the State of California that the above statements are true and correct.

Executed January 9, 2017 at San Francisco, California.

By: /s/ Amy Sommer Anderson  
AMY SOMMER ANDERSON  
AROPLEX LAW  
156 2nd Street  
San Francisco, CA 94105